

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: August 16, 2004

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated July 14, 2004. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Part I

Investigations Completed

Cases Scheduled For Hearing:

Scheduled for Full Enforcement Hearing:

Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner. An enforcement hearing has been scheduled before the Full Commission in September of 2004.

Disposition: Pending

Scheduled for Brief Enforcement Hearing:

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Full Enforcement Hearings:

None.

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Brief Enforcement Hearings: For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Anderson, Don--Case #03-007; Investigator: Kurt Young

Date Received: July 10, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor’s Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor’s Office to support his candidacy.

Disposition: A brief enforcement hearing was held on July 22, 2004. Mr. Anderson was found to have violated RCW 42.17.130 by using the public facilities of the Okanogan County Prosecutor’s Office to produce documents in support of his candidacy for Okanogan County Prosecutor in the 2002 election cycle. Mr. Anderson was assessed a civil penalty of \$250.

The following cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at www.pdc.wa.gov. Click on “Compliance” and “Dismissal of Complaints.”)

The American Dream Coalition--Case #03-079; Investigator: Kurt Young

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Investigation Complete

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that The American Dream Coalition (ADC) and Michael Svardh failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by the ADC.

Disposition: Dismissed with the concurrence of the chair. It was found that the nine alleged false statements in the advertisements (see summary below) that

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were sponsored by the ADC and Michael Svardh were: 1) matters of opinion and not statements of fact; 2) statements that were not made directly against a candidate for public office; or 3) statements that even if false were not a material fact, or were not made with actual malice. It was also found that Mr. Svardh used his own funds for all of his campaign expenditures to purchase political advertising. He disclosed these expenditures on three occasions using both PDC form C-6 (Report of Independent Expenditures) and PDC form C-4 (Report for Political Committees). These reports are available on the PDC website under “View the Reports.” The first two reports were timely filed. The third report was filed late. While it was due on November 4, 2002, it was not filed until December 10, 2002. However, it was a post election report, and the bulk of the campaign’s expenditures were reported timely. Thus, the lateness of the final report did not warrant enforcement action, although Mr. Svardh was instructed to use the proper forms, depending on the circumstances, in future election efforts.

Alleged False Statement #1: “Botkin’s term in office nets a \$17.5 million loss of County funds. Botkin’s administration has depleted the County’s \$15,000,000 reserve funds.” Neither of these statements were made against a candidate for public office, thus, these statements are not covered by RCW 42.17.530.

Alleged False Statement #2: “the County is an additional \$2,500,000 in debt.” This is not a statement about a candidate. While the definition of “debt” is subject to interpretation, it is not relevant since the statement is not against a candidate for public office. Therefore, the statement is not covered by RCW 42.17.530.

Alleged False Statement #3: “Botkin has stated that he will not cut funding for the Department of Community Development in the 2003 or 2004 budgets?” [the paper then describes personnel and software investments] “to improve the ability to regulate land use. Permits will not be processed any faster.” This statement was an opinion of the author as how the permitting process would be affected within an agency of Kitsap County government, and is not a false statement made against Tim Botkin. It is a statement of opinion about the personnel and operations of a local governmental agency that is not covered by RCW 42.17.530.

Alleged False Statement #4: “A vote for Botkin is a vote for 24 hour satellite surveillance of your home”. This alleged false statement was the opinion of the author as to his understanding of the capabilities of LIDAR, and how the LIDAR equipment would be used by Kitsap County. LIDAR equipment is not a satellite, and is not capable of performing 24-hour surveillance of homes. However, the statement is Mr. Svard’s interpretation of the impact of the County using such equipment. Thus, it was not a false statement under RCW 42.17.530.

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Alleged False Statement #5: “Botkin is proposing impact fees for single family homes that could top \$10,000/new house.” It was found that the impact fee amounts discussed at Impact Fee Committee meetings were comprised of three separate fees: 1) school impact fees; 2) road impact fees; and 3) parks impact fees. Kitsap County was divided into three districts for the assessment of these three impact fees, thus there were three impact fee amounts for each of the three districts. The maximum impact fee proposed by the committee was \$8,558 for any one district for school, road and park impact fees. However, the highest proposed impact fee of each type, without regard to district, totaled more than \$10,000. Thus, there was not clear and convincing evidence that Mr. Svardh’s statement was false.

Alleged False Statement #6: “Botkin has personally worked to keep Silverdale unincorporated even though his “Smart Growth” logic would require it to be called an “urban area.” Mr. Svardh relied on statements made by Mr. Botkin when discussing positions on “Smart Growth” in Kitsap County when making this statement. The statement represented Mr. Svardh’s opinion that Mr. Botkin was trying to keep Silverdale unincorporated through his positions on “Smart Growth”. Thus, it was a matter of opinion and not subject to RCW 42.17.530.

Alleged False Statement #7: “In preparation for more Smart Growth regulations the County has rezoned all of the unincorporated areas. The new zones have created a problem for those property owners.” This alleged false statement is not a direct statement against a candidate for public office, and not subject to RCW 42.17.530.

Alleged False Statement #8: “A judge ruled that the Commissioners’ plan to move the county offices to Bremerton was illegal. That plan costs the County \$500,000.” This alleged false statement is not a direct statement against a candidate for public office. It was directed toward Kitsap County Government. Therefore, it is not subject to RCW 42.17.530.

Alleged False Statement #9: “Botkin suggests closing Givins [sic] to community uses.” Kitsap County Parks and Recreation produced and distributed two letters to Givens Community Center facilities users regarding possible changes to the uses of Givens Community Center as a result of Kitsap County budgetary issues. The first letter informed users of the Givens facilities that Kitsap County was making changes to reduce operational budgets that may affect those that used the facility. Because of the confusion about the future of Givens Community Center, a second letter was sent by the Parks Department. That letter informed users that the first letter was intended to provide information about possible changes involving other county staff. While the statement does not appear to be true based on Mr. Botkin’s statements, it does not appear that it was made with actual malice. The

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evidence reviewed indicated that Mr. Botkin was in favor of keeping Givins open, but because of the confusion, a second letter went out clarifying that the County was going to keep Givins open. Because Mr. Botkin was part of the county that was dealing with the issue, it was Mr. Svardh’s belief and opinion that the County and Mr. Botkin had suggested closing Givens. There is not clear and convincing evidence that a false statement was made in violation of RCW 42.17.530.

Moran, Karen --Case #04-294; Investigator: Sally Parker

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Dismissed with the concurrence of the chair. It was found that a political advertisement entitled the “Trail Buster” was produced and distributed in the City of Sammamish during the 2003 election cycle. The “Trail Buster” postcard contained the sponsor identification “Citizens to elect Karen Moran.” Ms. Moran denied responsibility for the postcard under oath, and stated she did not know who was responsible for the mailing. The true author of the postcard could not be ascertained by PDC staff during the course of our investigation.

On October 19, 2003, Ms. Moran issued a press release stating that the “Trail Buster” postcard was not produced by her campaign. She also included in the press release the following statement, *“The flyer is a malicious and inflammatory tactic by my opponent to misrepresent my position on a very sensitive issue...I will be attempting to determine for certain the party responsible for this mailing and I will be contacting the U.S. Postal Service regarding the filing of federal charges for mail fraud...”* By stating that she was attempting to determine the identity of the ad’s sponsor, Ms. Moran made it clear she was not categorically accusing her opponent, Ms. Whitten, of sending out the advertisement. Mike Rundle, also a candidate for the Sammamish City Council (See Case No. 04-295 below) posted the email from Ms. Moran, along with her response on his web site on October 19th.

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On October 28, 2003, Karen Moran amended the press release that was posted on her web site by deleting the words “*by my opponent*” so that it read, “*The flyer is a malicious and inflammatory tactic to misrepresent my position on a very sensitive issue.*” By making these changes, Ms. Moran attempted to clarify her belief that the mailing was sent by someone who opposed her candidacy, and that she was attempting to find out the person responsible for the mailing. Thus, there is not clear and convincing evidence that Ms. Moran made a false statement of material fact about Nancy Whitten or her campaign.

Rundle, Michael --Case #04-295; Investigator: Sally Parker

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Dismissed with the concurrence of the chair. It was found that a political advertisement entitled “Trail Buster” was produced and distributed in the City of Sammamish for the 2003 election cycle. The political advertisement, a postcard, contained the sponsor identification attributed to the Citizens to elect Karen Moran. Ms. Moran denied responsibility for the postcard, and stated she did not know who was responsible for the mailing. The author of the postcard could not be ascertained by PDC staff during the course of our investigation. . Ms. Moran issued a press release on October 19, 2003, stating that the Trail Buster postcard was not produced by her campaign. She also included in the press release statements that she thought the author of the advertisement possibly could have been her opponent. Mr. Rundle posted the email from Ms. Moran, along with her response on his web site on October 19, 2004. Mr. Rundle stated that he posted the email on his web site to provide information to his supporters since he believed the mailing made untrue statements about his campaign. He stated that he spoke to Ms. Whitten about the postcard mailing, and that after speaking with her, the e-mail response was amended. Because Mr. Rundle immediately corrected the e-mail after realizing that it might be seen as accusing Ms. Whitten of sponsoring the Trail Buster postcard, there was not clear and

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convincing evidence that even if Mr. Rundle’s statements were false, that he acted with actual malice.

Cases Referred To Attorney General For Further Action

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees’ wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General’s Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant

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would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Thurston County Superior Court Disposition: The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

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**National Education Association—Case #02-282; Investigator: Suemary Trobaugh;
(45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

Disposition: On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period¹ had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under

¹ RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

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RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#03-080; Investigator: Kurt Young

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

Disposition: This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson’s political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

Disposition: An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

Mooney, Pat --Case #04-310; Investigator: Sally Parker

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: Two complaints were received, one from Michael Evans and one from Brian Wetcher, alleging that Pat Mooney, a candidate for the Port of Anacortes, received contributions and made expenditures in support of his candidacy in excess of the mini reporting option limits. In addition, a “45-day Citizen Action Letter” was filed by Mr. Wetcher with the Office of the Attorney General and the Skagit County Prosecutor’s Office against Pat Mooney alleging almost identical violations as those outlined in the PDC complaint.

Disposition: This matter was originally presented to the Commission at its February 24, 2004 Commission meeting as a report to the Commission. The Commission directed that an enforcement hearing be held, which was done at a special Commission meeting on March 10, 2004. The Commission found that there were multiple apparent violations by Pat Mooney of the PDC’s statutes and rules including RCW 42.17.040, RCW 42.17.080, RCW 42.17.090, WAC 390-16-105, and WAC 390-16-125. The Commission noted the statutes and rules

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regarding mini reporting limits, and further noted that Mr. Mooney exceeded those limits, and that Mr. Mooney was aware that he should have advised his opponent of the fact he exceeded the mini reporting limits, but did not.

The Commission observed that the expenditures and contributions by Mr. Mooney exceeded the mini reporting limits, that those expenditures and contributions upset the even playing field in the campaign, and could have affected the outcome of the election. The Commission determined that a referral to the Attorney General's Office of this matter was appropriate because the remedies that the Commission could impose statutorily were insufficient in considering the number and quality of the apparent violations, and their possible effect on the election. In lieu of entering Findings of Fact, Conclusions of Law, and an Order to impose a penalty or other relief, the Commission referred this matter to the Washington State Attorney General's Office, and requests the Attorney General's Office explore all remedies available, including the possibility of a court voiding the election.

Part II

Active Investigations

Investigations In Progress

Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint

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addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090) by Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.
Disposition: Pending

More Cops Now & Ed Troyer, Treasurer --Case #04-423; Investigator: Sally Parker

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080, .090, .105 & .3691

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that More Cops Now committee, a political committee formed to support a local ballot proposition in Pierce County: (1) failed to include on its committee registration form (PDC form C-1pc) an address or time for public inspection of its campaign books and records during the eight days before the election and failed to file its post election C-4 report of contribution and expenditure activities; (2) accepted a contribution in excess of \$5,000 within 21 days of the general election, and failed to file a last minute contribution report for such contribution; and (3) failed to file its contribution and expenditure reports electronically.

Disposition: Pending

Yes on Initiative 18 Committee-- Case #04-438; Investigator: Kurt Young

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services he performed in support of the initiative efforts.

Disposition: Pending

Pierce County Officials-- Case #04-440; Investigator: Kurt Young

Date Received: March 3, 2004

Date Started: March 3, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three separate complaints were received from David Franta, Donald Veal, and Dale Washam, alleging that officials of Pierce County used the public resources and facilities of Pierce County to promote Proposition 1, a 2003 general election ballot proposition.

Disposition: Pending

TME Capital Group--Case #04-445; Investigator: Sally Parker

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Washington Breathe Alliance--Case #04-446; Investigator: Tony Perkins

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.200

Status: Under Investigation

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law.

Disposition: Pending

Goings, Calvin--Case #04-447; Investigator: Kurt Young

Date Received: April 2, 2004

Date Started: April 6, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint were received from Dale Washam a candidate for Pierce County Council, alleging that Pierce County Council member Calvin Goings, a candidate up for re-election to the Pierce County Council in 2004 used Pierce County resources and facilities to support his candidacy.

Disposition: Pending

Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Disposition: Pending

Hawe, William (Clallam County)--Case #04-452; Investigator: Kurt Young

Date Originally Received: October 21, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Soren Poulsen alleging that William Hawe, an incumbent Clallam County Sheriff and a candidate for re-election in 2002, used the facilities of Clallam County to support his candidacy for re-election.

Disposition: Pending

Stevens County Rural Library District (Officials) --Case #04-454; Investigator: Tony Perkins

Date Originally Received: January 21, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three complaints were received from Stan Long, Arlene Sparks and Karen Frostad, alleging that officials from Stevens County Library District used the district facilities to support a local ballot proposition.

Disposition: Pending

Cowlitz County Commissioners and Public Facilities District Officials --Case #04-455; Investigator: Suemary Trobaugh

Date Originally Received: March 17, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Steve Dragich alleging that Cowlitz County Commissioners and Public Facilities District Officials used the facilities of their respective public agencies to support a local ballot proposition.

Disposition: Pending

Sound Transit (Officials)--Case #04-457; Investigator: Suemary Trobaugh

Date Originally Received: August 29, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tim Eyman, alleging that officials of Sound Transit used the transit facilities to oppose a statewide initiative, Initiative #776.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Knezovich, Ozzie (Spokane County)--Case #04-460; Investigator: Kurt Young

Date Originally Received: September 6, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Annette Remshard, alleging that Ozzie Knezovich, President of the Spokane County Sheriff's Association, used Spokane County facilities to produce and distribute a political advertisement that endorsed six candidates for the Spokane Valley City council on the 2002 ballot, by including the address and phone number of a county facility in the sponsor identification.

Disposition: Pending

Anderson, Frank (City of Everett)--Case #04-459; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Margaret Michele Hoverter alleging that Everett City Mayor Frank Anderson, a candidate up for re-election in 2003, used city facilities and resources to support his candidacy for public office.

Disposition: Pending

Koelker-Wheeler, Kathy--Case #04-531; Investigator: Sally Parker

Date Originally Received: August 28, 2003 (Investigation previously suspended-per injunction)

Date Started: May 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from former Renton Mayor Jesse Tanner, alleging that Kathy Koelker-Wheeler, an incumbent Renton City Council member and candidate for Renton Mayor in 2003, used Renton city facilities to promote her candidacy for public office.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Bainbridge Island Fire Department Officials--04-532; Investigator: Kurt Young

Date Received: April 30, 2004

Date Started: May 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ken Guy alleging that Bainbridge Island Fire Department Officials used fire department resources and facilities by distributing a flyer in support of a local May 18, 2004 ballot proposition.

Disposition: Pending

Fields, Amy (Monroe School District)--Case #04-533; Investigator: Suemary Trobaugh

Date Received: May 13, 2004

Date Started: May 17, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Amy Fields, an employee of the Monroe School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Green, Michael (Nine Mile Falls School District)--Case #04-534; Investigator: Tony Perkins

Date Received: May 19, 2004

Date Started: May 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Byrd and Lynn Stuter, alleging that Michael Green, Superintendent of Schools for Nine Mile Falls School District No. 325-179, used the facilities of the district to support passage of school district ballot propositions that were placed on the March 9 and May 18, 2004 ballots. The complainants alleged that brochures produced by the school district were promotional in nature.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Herbert, Ed (Ballard High School, Seattle School District)--Case #04-663;

Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Ed Herbert, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Nusbaum, Dennis (Ballard High School, Seattle School District)--Case #04-664;

Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Dennis Nusbaum, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Snohomish Health District--Case #04-665; Investigator: Tony Perkins

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jim St. John alleging that officials of the Snohomish County Health District used county facilities to support a statewide ballot proposition, Initiative 890.

Disposition: Pending

Skamania County Republican Party-Case #04-666; Investigator: Sally Parker

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from James McKnight alleging that the Skamania County Republican Party failed to file C-3 and C-4 reports disclosing contribution and expenditure activities for several years.
Disposition: Pending

Vote Yes on Initiative 891—Case #04-709; Investigator: Kurt Young

Date Received: June 23, 2004

Date Started: June 30, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Charles Creso alleging that the Vote Yes on Initiative 891, a statewide ballot proposition committee failed to report debts, obligations or in-kind contributions for signature gathering efforts undertaken on behalf of Initiative 891.

Disposition: Pending

Lamoreaux, Kathy (Battle Ground School District)--Case #05-002; Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Eddie Dawson alleging that Kathy Lamoreaux, an employee of Battle Ground School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Waadevig, Paul—Case #05-005; Investigator: Tony Perkins

Date Received: June 28, 2004

Date Started: July 9, 2004

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Lance Haun alleging that Paul Waadevig, a candidate for State Senator in the 17th Legislative District failed to report all of the contributions received on behalf of his candidacy.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Lewis, Pete (Clarkston School District) --#05-004; Investigator: Kurt Young

Date Received: June 21, 2004

Date Started: July 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Fred Cook alleging that the Clarkston School District used school district facilities and resources to produce a publication that stated “Vote Yes” in support of the February 3, 2004 special levy election.

Disposition: Pending

DeVleming, Mike --#05-005; Investigator: Kurt Young

Date Received: July 1, 2004

Date Started: July 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sally Jackson alleging that Mike DeVleming, mayor of Spokane Valley used city facilities and email system to produce electronic messages in support of the Dino Rossi Campaign for Governor.

Disposition: Pending

Tanglewilde Park & Recreation District--#05-006--Investigator: Sally Parker

Date Received: July 2, 2004

Date Started: July 19, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Joan Price alleging that the Tanglewilde Park & Recreation District used public resources and facilities to produce and distribute information in support of a November 2003 Maintenance and Operation levy, and that the facilities are currently being used to support a 2004 ballot proposition.

Disposition: Pending

Seattle Monorail Project--#05-007--Investigator: Tony Perkins

Date Received: July 14, 2004

Date Started: July 19, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Glenn Amster alleging that the Seattle Monorail Project, a public agency used public funds and resources to prepare and file a lawsuit challenging the legality of a local ballot proposition, Initiative 83, in opposition to the ballot proposition.

Disposition: Pending

**Cooper, Mike; Goldman, Peter; Washington State Democratic Central Committee--
#05-008--Investigator: Suemary Trobaugh**

Date Received: July 26, 2004

Date Started: July 27, 2004

Section of Law: RCW 42.17.135 & .640

Status: Under Investigation

Summary: A complaint was received from Todd Meyers alleging that Mike Cooper, a candidate for Public Lands Commissioner, received contributions from the Washington State Democratic Central Committee that were earmarked by Peter Goldman, the original source of the funds, to benefit the Mike Cooper for Lands Commissioner campaign, in excess of the contribution limits.

Disposition: Pending

Everton, Wayne--#05-016--Investigator: Sally Parker

Date Received: August 16, 2004

Date Started: August 17, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Dan O'Donnell alleging that Wayne Everton, Mayor of LaConnor, used city facilities to support Dino Rossi's Campaign for Governor by allowing a city meeting room to be used for political purposes without charging a fee.

Disposition: Pending

Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. See Table of Contents for location of additional case summary information.
Disposition: Pending

Cases Under Review

City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh

Date Received: March 18, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002 local ballot proposition.

Disposition: Pending

Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker

Date Received: April 1, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Under Review

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

Pearsall-Stipek, Cathy-- Case #02-294; Investigator: Sally Parker

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

Moran, Karen --Case #04-315; Investigator: Sally Parker

Date Received: November 10, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Scott Hamilton alleging that Karen Moran, a candidate for Sammamish City Council, failed to report telemarketing phone calls that were made in support of her candidacy.

Disposition: Pending

Raplee, Debra--Case #04-399; Investigator: Lori Anderson

Date Received: December 29, 2003

Date Started: January 5, 2004

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Todd Livingood alleging that Debra Raplee, a candidate for Kent City Council, sponsored political advertising that contained false statements made against Leona Orr, an incumbent Kent City Councilperson.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Hammond, Steve--Case #04-441; Investigator: Sally Parker

Date Received: March 2, 2004

Date Started: March 29, 2004

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint were received from James Heavey alleging that Steve Hammond, an incumbent King County Council member up election in 2003, violated political advertising laws by sponsoring political advertising that contained false statements about his opponent Barbara Heavy.

Disposition: Pending

Kirsch, Greg (Chehalis School District)--Case #04-451; Investigator: Suemary Trobaugh

Date Originally Received: October 28, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from John Panesko alleging that officials of the Chehalis School District used district facilities to produce and distribute newsletters that featured and supported incumbent school board member Larry Gueck, a candidate up for re-election in 2003.

Disposition: Pending

Pierce County Fire District 13 (Officials) --Case #04-453; Investigator: Sally Parker

Date Originally Received: September 20, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from David J. Kovanen alleging that officials from Pierce County Fire District 13, used the fire district facilities to produce and distribute a letter addressed that supported a local ballot proposition, in response to information distributed by a private citizen in opposition to the local ballot proposition.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Orr, Leona (City of Kent)--Case #04-456; Investigator: Sally Parker

Date Originally Received: October 30, 2003 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Sandra Amodt alleging that Kent City Councilmember Leona Orr, a candidate up for re-election to the Kent city council, used city facilities to promote her candidacy for public office.

Disposition: Pending

Maleng, Norm (King County)--Case #04-460; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Ben Livingston alleging that King County King County Prosecutor Norm Maleng used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

Reichart, Dave (King County)--Case #04-521; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Ben Livingston alleging that King County King Sheriff Dave Reichart used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending